



Serial No.: 10/564,876
Attorney Docket No.: 801948-0005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Terence Harden, et al.
Serial No. : 10/564,876
Filing Date : January 17, 2006
Title : BACTERIAL TREATMENT

Group/Art Unit : Not yet assigned
Examiner : Not yet assigned
Confirmation No. : Not yet assigned

Atty. Docket No. : 801948-0005

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.56 and § 1.97(b), the references listed below and on the attached Form PTO/SB/08A (Substitute for Form 1449A-B/PTO) are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified national phase patent application. Copies of these references are enclosed. Submission of these references is not an admission that the references constitute prior art.

FOREIGN PATENTS AND PUBLICATIONS

<u>Publication No.</u>	<u>Inventor(s)</u>	<u>Publication Date</u>
WO 1999/032651 A1	BCM Developpement Inc.	07/01/1999
WO 1999/028441 A1	Eisai Co., LTD	06/10/1999

Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: 2-22-06

Signature: Becky Diebold

Printed Name: Becky Diebold

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

OTHER REFERENCES

EMBL Ac. No. AB017591, Kim, J.K., 15 March 1999 (3 pages: cover page and p. 1-2)

DGENE DATABASE Ac. No. ABK10958, Koo, B.S. et al., 06 Jun 2002 (p. 25, p. 12-13)

PCT Pub. No. WO 1999/028441 A1 relates to a novel antibacterial *Bacillus subtilis* strain. This strain exhibits antibacterial effects against certain deleterious bacteria while not exhibiting such effects against certain lactic acid bacteria.

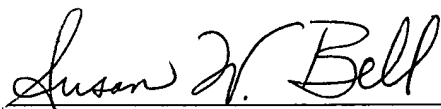
Applicants respectfully request that these references be made of record in the above-identified application and considered by the Examiner during prosecution of the application.

It is respectfully submitted that the present invention as claimed is patentable over the listed references.

This information disclosure statement is being filed within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d). Accordingly, no fee is due.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By: 

Susan Wharton Bell, Reg. No. 41,524
STINSON MORRISON HECKER LLP
1201 Walnut Street, Suite 2900
Kansas City, MO 64106-2150
Telephone: (816) 842-8600
Facsimile: (816) 691-3495

(use as many sheets as necessary)

Application Number:	10/564,876
Filing Date:	January 17, 2006
First Named Inventor:	Terence Harden
Group Art Unit:	
Examiner Name:	
Attorney Docket Number:	801948-0005

Sheet	1	of	2
-------	---	----	---

[illegible][illegible]Date
Considered

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.